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FACSIMILE TRANSMITTAL**TO:**

Name: Mail Stop AMENDMENT
 Group Art Unit 3731/Examiner M. Priddy

Firm: U.S. Patent & Trademark Office

Fax No.: 703-872-9306

Subject: U.S. Patent Application No. 10/085,406
 Gary K. Michelson
 Filed: March 1, 2002
ARCUATE DYNAMIC LORDOTIC GUARD
 WITH MOVABLE EXTENSIONS FOR
 CREATING AN IMPLANTATION SPACE
 POSTERIORLY IN THE LUMBAR SPINE (as
 amended)

Attorney Docket No. 101.0093-00000
 Customer No. 22882
 Confirmation No.: 6768

FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

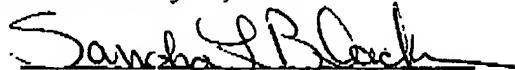
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I hereby certify that the attached Information Disclosure Statement Under 37 C.F.R. § 1.97(c) (\$180.00 fee is to be charged to Deposit Account No. 50-1066) and Form PTO-1449 are being facsimile transmitted to the U.S. Patent and Trademark Office on January 11, 2005.



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PATENT
Attorney Docket No. 101.0093-00000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Confirmation No.: 6768
Gary K. Michelson)
Serial No.: 10/085,406) Group Art Unit: 3732
Filed: March 1, 2002) Examiner: M. Priddy
For: ARCUATE DYNAMIC LORDOTIC)
GUARD WITH MOVABLE)
EXTENSIONS FOR CREATING AN)
IMPLANTATION SPACE)
POSTERIORLY IN THE)
LUMBAR SPINE (as amended))

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), the fee of \$180.00 as specified by Section 1.17(p) is to be charged to Deposit Account No. 50-1066.

Applicant brings to the Examiner's attention U.S. co-pending applications of Applicant listed on Form PTO-1449 for the Examiner's consideration of double patenting.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the

documents as prior art against any claims in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: January 11, 2005

By: 

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OMB 0651-0031

Substitute for FORM PTO-1449		Attorney Docket Number 101.0093-00000		Customer No. 22882	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION		Applicant Gary K. Michelson		Application Number 10/085,406	
(Use several sheets if necessary) Sheet <u>1</u> of <u>1</u>		Filing Date March 1, 2002		Group Art Unit 3732	Examiner M. Priddy
U.S. PATENT DOCUMENTS					
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS
	2002/0123753	9/2002	Michelson		
	2003/0199874	10/2003	Michelson		
	2004/0082958	4/2004	Michelson		
FOREIGN PATENT DOCUMENTS					
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)					
EXAMINER		DATE CONSIDERED			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.					